

Message Text

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44

ACTION EA-09

INFO OCT-01 ISO-00 SY-05 CIAE-00 PM-04 H-02 INR-07 L-03

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R 240835Z DEC 75

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 2092

INFO AMEMBASSY BANGKOK

AMCONSUL HONG KONG

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

CINCPAC

DIA WASHDC

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HONG KONG FOR RSS

CINCPAC ALSO FOR POLAD

E.O. 11652: N/A

TAGS: PINS PGOV MY

SUBJ: PROPOSED CHANGES IN MALAYSIAN SECURITY LAWS

REF: KUALA LUMPUR 7202 100415Z DEC 75

1. DEWAN RAKYAT (LOWER HOUSE OF PARLIAMENT, EQUIVALENT TO U.S. HOUSE OF REPRESENTATIVES) ADJOURNED SINE DIE DECEMBER 19 FOLLOWING 39 DAY SESSION. LAST ORDER OF BUSINESS WAS CONSIDERATION OF BILL PROPOSED BY LEADER OF OPPOSITION IN PARLIAMENT, LIM KIT SIANG (DAP) CALLING FOR REPEAL OF TOUGH NEW SECURITY CASE TRIAL LEGISLATION (REFTEL). MOTION WAS DEFEATED, DESPITE ELOQUENT APPEAL BY LIM THAT TO ALLOW NEW REGULATIONS TO STAND WOULD SERVE TO "UNDERMINE PUBLIC CONFIDENCE IN PARLIAMENTARY DEMOCRACY" AND LIMITED OFFICIAL USE

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CONSTITUTE A "DIMINUTION OF THE DEMOCRATIC RIGHTS OF THE PEOPLE."

LIM CRITICIZED REGULATIONS INTER ALIA ON GROUNDS (A) THEY WERE PROMULGATED UNDER BROAD POWERS OF 1969 EMERGENCY LAWS (WHICH HE VIEWED AS OF DUBIOUS CONSTITUTIONALITY); (B) THEY SERVED TO UNDERMINE PRINCIPAL OF CONSIDERING ACCUSED INNOCENT UNTIL PROVEN GUILTY; AND (C) BY BROADENING ADMISSIBLE CATEGORIES OF EVIDENCE IN SECURITY CASES AND ALLOWING IN CAMERA QUESTIONNING OF WITNESSES UNDER CERTAIN CIRCUMSTANCES THEY WERE SUBJECT TO CONSIDERABLE ABUSE. LIM ALSO CRITICIZED PROVISIONS OF REGULATIONS SETTING UP LOCAL NEIGHBORHOOD VIGILANTE SYSTEM ("RUKUN TETANGGA") WHICH INCORPORATE CONCEPTS OF COLLECTIVE RESPONSIBILITY FOR UNREPORTED MISDEEDS BY FAMILY MEMBERS OR NEIGHBORS. SUCH TOUGH MEASURES ARE UNWARRANTED, LIM STATED, AND ARE A "SETBACK IN THE BATTLE TO WIN THE HEARTS AND MINDS" OF THE PEOPLE. WE SHOULD "LEARN FROM THE LESSONS OF VIETNAM," WHERE SUCH STRINGENT ACTIONS WERE UNSUCCESSFUL, HE ADDED.

2. GOM SPOKESMEN IN THEIR PARLIAMENTARY REBUTTALS (INCLUDING ATTORNEY GENERAL/LAW MINISTER ABDUL KADIR YUSOF AND HOME MINISTER GHAZALI SHAFIE) DEFENDED REGULATIONS ON GROUNDS THEY WERE TEMPORARY MEASURES WARRANTED BY THE PRESENT SECURITY THREAT TO PUBLIC SAFETY AND CALLED ON THE PUBLIC TO TRUST THE GOVERNMENT TO EXERCISE ITS NEW POWERS FAIRLY AND JUSTLY. GOVERNMENT SIDE NOTED THAT JUDGMENT IN SECURITY CASE TRIALS WOULD BE HANDED DOWN ONLY AFTER BOTH DEFENSE AND PROSECUTION HEARD, AND ACCUSED, IF CONVICTED, HAD RIGHT OF APPEAL TO HIGHER COURT. KADIR STATED THAT "ALTHOUGH WE NOW HAVE VERY WIDE POWERS, WE ARE ALSO A RESPONSIBLE GOVERNMENT WHICH IS RESPONSIBLE TO THE PEOPLE." HE ADDED THAT GOM IS PREPARED TO MAKE FURTHER REVISIONS TO THE REGULATIONS IF THE PEOPLE ARE "NOT HAPPY" WITH THEM.

3. IN RELATED DEVELOPMENTS, DEWAN RAKYAT DECEMBER 17 PASSED BILL ABOLISHING APPEAL TO PRIVY COUNCIL IN UK, AND DEBATED BILL PROPOSING EXTRA-TERRITORIAL APPLICATION OF MALAYSIAN LAWS APPLYING TO OFFENCES UNDER OFFICIAL SECRETS ACT, SEDITION ACT, AND ANY OTHER OFFENCES ATTORNEY GENERAL CONSIDERS WILL AFFECT SECURITY OF MALAYSIA. ON LATTER BILL, KADIR SAID ITS INTENT IS NOT TO SILENCE MALAYSIAN STUDENTS ABROAD, BUT STUDENTS, LIKE OTHER MALAYSIANS OVERSEAS, CANNOT BE ALLOWED TO CRITICIZE MALAYSIA AND ITS LEADERS WITH IMPUNITY.

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4. COMMENT: PASSAGE OF SECURITY CASE TRIAL LEGISLATION (ACTUALLY ALLOWING IT TO STAND) WAS FOREGONE CONCLUSION, ALTHOUGH IT DID ALLOW OPPPOSITION OPPORTUNITY TO AIR VIEWS. PRESS REPORTS HOWEVER DID NOT MENTION SOME OF LIM KIT SIANG'S MORE POINTED REMARKS, ALSO UNSURPRISING. REMOVAL OF THE OPTION OF APPEAL TO PRIVY COUNCIL WILL HAVE THE EFFECT OF ELIMINATING A COLONIAL ANACHRONISM WHICH MAY HAVE HAD SOME SALUATORY EFFECT IN INHIBITING TRIAL ABUSES AND REASSURING SOME MALAYSIANS THAT THIS WOULD GUARANTEE

CONFORMITY OF MALAYSIAN LAW WITH INTERNATIONAL STANDARDS (BRITISH
STYLE).
UNDERHILL

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